

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
v. :
HALEEM BALEY :

CRIMINAL NO. 20-124

ORDER

AND NOW, this 4th day of December 2020, upon consideration of Defendant's Motion to Dismiss Count II (ECF No. 20), the Government's Response thereto (ECF No. 23), and the Court's evidentiary hearing on September 28, 2020 (ECF Nos. 24, 24), and having dismissed Defendant's Motion to Dismiss Count II without prejudice as to the sufficiency of the evidence issue (ECF No. 26), it is hereby **ORDERED** and **DECREED** that Defendant's Motion to Dismiss Count II (ECF No. 20) is **DENIED** with prejudice as to the constitutionality of 18 U.S.C. § 924(c)(1).

BY THE COURT:

/s/ Chad F. Kenney

CHAD F. KENNEY, JUDGE